IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1647 OF 2007

Janardan Kondu Wakdikar
And others. ..Applicants
V/s
The State of Maharashtra ..Respondent.

Mr. Rajiv Patil i/ by Mr. Sachin Punde, Advocate for the applicant.

Mr.Y.M. Nakhawa, APP for the State.

CORAM : R.M. SAVANT, J.

DATE : 18TH MAY, 2007.
(VACATION COURT)

P.C.

. This is an application for anticipatory bail apprehending arrest in Cr.No. I-162/2007 registered with Panvel Town Police Station, District Raigad for the offence punishable under Sections 323, 504,326 r/w section 34 of Indian Penal Code.

2. It is alleged that one Pappu (Pritesh) Ganesh Mukadam was attending Haldi ceremony on 26/4/2007 at the house of Bharat Kashinath Mukadam. After the programme the said complainant Pritesh along with friends at about 2.30 hours, while they were passing by the house of one Sham Nhavi, a black Santro car arrrieved at that place.

From the said car, it is alleged that the applicant came out and abused and assaulted the complainant with first blows and kick blows. It is alleged that the friends of the complainant Yogesh and others intervened and tried to resolve the issue. Because of the intervention of Yogesh, one Janardan Kondu Wakdikar got annoyed and abused Yogesh. Thereafter the said Janardan got a chopper from the car and assaulted said Yogesh. After the assault it is alleged that the applicants fled away by the said car.

3. I have perused the concerned papers and also certificate issued by the Gandhi Hospital. The only allegation against the applicants herein is that they accompanied the said Janardan in the Santro car. Though it is alleged that Yogesh was assaulted with chopper the medical certificate issued by Gandhi Hospital discloses that the injury was simple. The learned Counsel for the applicant therefore, is right in his submission that since there is no overt act attributed to the applicants and that since the injury suffered by Yogesh is simple which prima facie shows that the use of the chopper is debatable, I am of the view that the applicants deserve to be granted anticipatory bail in the said C.R. No.

I-162/2007, registered with Panvel Town Police Station. Anticipatory bail is granted on the following conditions

(i) In the event of arrest of the applicant in C.R.No.I-162/2007 registered with Panvel Town Police Station, each of the applicants be released on bail in sum of Rs. 10,000/- each with one or two sureties in like amount.

(ii) The applicants to co-operate with the investigating agency i.e. Panvel Town Police Station Police and would attend the police station as and when required by the said police till filing of the charge-sheet.

. The application is accordingly disposed off in the aforesaid terms.

(R.M.SAVANT, J.)